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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA**

<p>IN RE: MIDLAND CREDIT MANAGEMENT, INC., TELEPHONE CONSUMER PROTECTION ACT LITIGATION</p>	<p>Case No. 11-md-2286-MMA (MDD) Member cases: 10-cv-02261 10-cv-02600 10-cv-02368 10-cv-02370</p> <p>DECLARATION OF PLAINTIFF DAVID SCARDINA IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AND CERTIFICATION OF SETTLEMENT CLASS</p> <p>Judge Michael M. Anello</p>
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I, Dave Scardina, declare:

- I am one of the named Plaintiffs in the above captioned consolidated Multi-District Litigation class action against Midland Funding, LLC ("Midland Funding"), Midland Credit Management, Inc. ("MCM"), and Encore Capital

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2 Group, Inc. (“Encore”) (collectively referred to as “Defendants”). If called as
3 a witness, I would competently testify to the matters herein from personal
4 knowledge. I am filing this declaration in support of our request for
5 Preliminary Approval of the settlement.

- 6 2. I, through my counsel, brought a class action against Defendants on May 11,
7 2011 in the United States District Court for the Northern District of Illinois,
8 claiming violation of Section 227(b)(3)(B) of the Telephone Consumer
9 Protection Act (“TCPA”), codified at 47 U.S.C. § 227 *et seq.* The complaint
10 alleged that Defendants violated the TCPA by robocalling my cellular
11 telephone, or using an artificial or prerecorded voice, while attempting to
12 collect a debt without my prior express consent to do so. My case was
13 subsequently transferred to this Court for coordinated and consolidated
14 proceedings.

14 **FAIRNESS OF SETTLEMENT**

- 15 3. I have reviewed and signed the Settlement Agreement and have discussed the
16 settlement with my counsel. I believe the settlement is fair and reasonable. I
17 request that the Court approve the settlement. I am willing to serve as a class
18 representative and desire to be appointed as such for purposes of the
19 settlement. I understand the obligations of serving as a class representative; I
20 have represented, and will represent, adequately the interests of the putative
21 class, and I have retained experienced counsel. I understand my tasks as a
22 class representative and I have participated throughout this litigation in the
23 belief I was helping all other persons similarly situated.
- 24 4. I understand that my attorneys have requested that the three class
25 representatives be awarded incentive payments of up to \$2,500 each (total of
26 \$7,500) to be paid from the Settlement Fund. I understand that any such
27 award has to be approved by the Court.

- 1
- 2 5. I support the request of my attorneys, Edelman, Combs, Lattuner &
- 3 Goodwin, LLC and Law Offices of Douglas J. Campion, APC to be
- 4 confirmed as class counsel for purposes of this action and for purposes of
- 5 proceeding with the settlement.
- 6 6. I am not aware of any legal differences between me and the members of the
- 7 settlement class, nor any unique facts about myself that are different from the
- 8 members of the class for purposes of settlement and certifying a settlement
- 9 class. To my knowledge, I have no interests in conflict with any other class
- 10 members.
- 11 7. The claims asserted on my behalf in the Consolidated Complaint appear to be
- 12 the same as the claims of the other class members, and my claims relate to
- 13 the same issues of law and fact as the other class claims.

14 I declare under penalty of perjury that the foregoing is true and correct.

15 Executed under the laws of the United States on 8-28-, 2015.

16 
17 Dave Scardina